

2015 DRAFTING REQUEST

Bill

Received: **10/30/2014** Received By: **mpfotenh**
Wanted: **As time permits** Same as LRB:
For: **Peter Barca (608) 266-5504** By/Representing: **Matt Egerer**
May Contact: Drafter: **mpfotenh**
Subject: **State Govt - procurement** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Barca@legis.wisconsin.gov**
Carbon copy (CC) to: **mary.pfotenhauer@legis.wisconsin.gov**
cathlene.hanaman@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Food purchases by University of Wisconsin

Instructions:

Same as substitute amendment s0302 to 2013 AB 432

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mpfotenh 11/20/2014	scalvin 12/5/2014		_____			
/P1	mpfotenh 1/28/2015	csicilia 1/28/2015	jfrantze 12/5/2014	_____	mbarman 12/5/2014		State
/1				_____	lparisi 1/28/2015	sbasford 4/6/2015	State

FE Sent For:

→ A+
Intro.

<END>



In 11/20/14
State of Wisconsin
2013 - 2014 LEGISLATURE

due MONDAY
12-8



LRBs0302/1
CMH: [signature]
0511/P1
MCP sac

ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO ASSEMBLY BILL 432

2013 Bill

February 13, 2014 - Offered by Representatives CLARK and SMITH.

gen cat

1 AN ACT *to repeal* 16.75 (1) (b) 2. and 16.75 (2m) (b) 2.; *to renumber and amend*
2 16.75 (1) (a) 1.; *to amend* 16.75 (1) (b) 1., 16.75 (1) (b) 3., 16.75 (1) (c), 16.75 (2m)
3 (a), 16.75 (2m) (b) 1. and 16.75 (2m) (c); and *to create* 16.75 (1) (a) 1. c. of the
4 statutes; **relating to:** the purchase of food by the Board of Regents of the
5 University of Wisconsin System.

anal:line
Title: 644B
Insert
Analysis
anal:line

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 SECTION 1. 16.75 (1) (a) 1. of the statutes, as affected by 2013 Wisconsin Act 20,
7 is renumbered 16.75 (1) (a) 1. a. and amended to read:
8 16.75 (1) (a) 1. a. All orders awarded or contracts made by the department for
9 all materials, supplies, equipment, and contractual services to be provided to any
10 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
11 (6), (7), (8), (9), (10e), and (10m) and ss. 16.705 (1r), 16.73 (4) (a), 16.751, 16.754, 50.05

1 (7) (f), 153.05 (2m) (a), 165.987, and 287.15 (7), shall be awarded to the lowest
2 responsible bidder, taking into consideration to be determined as provided in subd.

3 1. b. and c.

4 b. Except as provided in subd. 1. c., the person who determines the lowest
5 responsible bidder shall consider life cycle cost estimates under sub. (1m), when
6 appropriate, the location of the agency, the quantities of the articles to be supplied,
7 their conformity with the specifications, and the purposes for which they are
8 required and the date of delivery.

9 **SECTION 2.** 16.75 (1) (a) 1. c. of the statutes is created to read:

10 16.75 (1) (a) 1. c. If the Board of Regents of the University of Wisconsin-System
11 is purchasing food and the purchase is subject to par. (b), factors other than price may
12 not comprise more than 50 percent of the total factors used to determine the lowest
13 responsible bidder.

14 **SECTION 3.** 16.75 (1) (b) 1. of the statutes is amended to read:

15 16.75 (1) (b) 1. ~~Except as provided in subd. 2., when~~ When the estimated cost
16 exceeds ~~\$25,000~~ \$50,000, the department shall invite bids to be submitted.

17 **SECTION 4.** 16.75 (1) (b) 2. of the statutes is repealed.

18 **SECTION 5.** 16.75 (1) (b) 3. of the statutes is amended to read:

19 16.75 (1) (b) 3. If subd. 1. ~~or 2.~~ requires bids to be solicited, the department
20 either shall solicit sealed bids to be opened publicly at a specified date and time, or
21 shall solicit bidding by auction to be conducted electronically at a specified date and
22 time. Whenever bids are invited, due notice inviting bids shall be published as a class
23 2 notice, under ch. 985 or posted on the Internet at a site determined or approved by
24 the department. The bid opening or auction shall occur at least 7 days after the date
25 of the last insertion of the notice or at least 7 days after the date of posting on the

1 Internet. The notice shall specify whether sealed bids are invited or bids will be
2 accepted by auction, and shall give a clear description of the materials, supplies,
3 equipment, or contractual services to be purchased, the amount of any bond, share
4 draft, check, or other draft to be submitted as surety with the bid or prior to the
5 auction, and the date and time that the public opening or the auction will be held.

6 ^x
SECTION 6. 16.75 (1) (c) of the statutes is amended to read:

7 16.75 (1) (c) Except as provided in sub. (7), when the estimated cost is \$25,000
8 \$50,000 or less, the award may be made in accordance with simplified procedures
9 established by the department for such transactions.

10 ^x
SECTION 7. 16.75 (2m) (a) of the statutes is amended to read:

11 16.75 (2m) (a) Except as otherwise required by law, if the secretary or his or
12 her designee determines that the use of competitive sealed bidding is not practicable
13 or not advantageous to this state, the department may solicit competitive sealed
14 proposals. Each request for competitive sealed proposals shall state the relative
15 importance of price and other evaluation factors. If the Board of Regents of the
16 University of Wisconsin-System is purchasing food, factors other than price may not
17 comprise more than 50 percent of the total factors used to determine the most
18 competitive sealed proposal.

19 ^x
SECTION 8. 16.75 (2m) (b) 1. of the statutes is amended to read:

20 16.75 (2m) (b) 1. ~~Except as provided in subd. 2., when~~ When the estimated cost
21 exceeds ~~\$25,000~~ \$50,000, the department may invite competitive sealed proposals.

22 ^x
SECTION 9. 16.75 (2m) (b) 2. of the statutes is repealed.

23 ^x
SECTION 10. 16.75 (2m) (c) of the statutes is amended to read:

1 16.75 **(2m)** (c) When the estimated cost is ~~\$25,000~~ \$50,000 or less, the
2 department may award the order or contract in accordance with simplified
3 procedures established by the department for such transactions.

4 **SECTION 11. Initial applicability.**

5 (1) This act first applies with respect to bids or proposals solicited on the
6 effective date of this subsection.

7 **(END)**

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0511/ins² /P1
MCP:.....

ANALYSIS INSERT

Current law generally authorizes state agencies to purchase materials, supplies, or equipment under certain circumstances. With some exceptions, purchases for which the estimated cost exceeds \$50,000 require bids to be invited or sealed proposals to be solicited and the order must be awarded to the lowest responsible bidder or most competitive sealed proposal. In determining the lowest responsible bidder the agency must consider the location of the agency, the quantities of the articles to be supplied, the conformity of the bids with the specifications in the invitation to bid, and the purpose for which the materials, supplies, or equipment are required and their delivery date. In determining the most competitive sealed proposal, the agency must consider factors outlined in the solicitation for competitive sealed proposals.

This bill creates an exception to these provisions if the Board of Regents of the University of Wisconsin System (board) is purchasing food. Under this bill, when the board is considering bids or proposals for the purchase of food, factors other than price may not comprise more than 50 percent of the total factors used to determine the lowest bid or most competitive sealed proposal.

Current law also provides that if the estimated cost of a purchase is \$25,000 or less, the department may use simplified procedures for making an award. This bill allows the department to use simplified procedures if the estimated cost of a purchase is \$50,000 or less.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.



4th 1/28/15
State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0511/P1 → /1

MCP:sac:jf

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

Gen. Cont

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3 (a), 16.75 (2m) (b) 1. and 16.75 (2m) (c); and *to create* 16.75 (1) (a) 1. c. of the
4 statutes; **relating to:** the purchase of food by the Board of Regents of the
5 University of Wisconsin System.

Analysis by the Legislative Reference Bureau

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7 (7) (f), 153.05 (2m) (a), 165.987, and 287.15 (7), shall be awarded to the lowest
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10 b. Except as provided in subd. 1. c., the person who determines the lowest
11 responsible bidder shall consider life cycle cost estimates under sub. (1m), when
12 appropriate, the location of the agency, the quantities of the articles to be supplied,
13 their conformity with the specifications, and the purposes for which they are
14 required and the date of delivery.

15 **SECTION 2.** 16.75 (1) (a) 1. c. of the statutes is created to read:

16 16.75 (1) (a) 1. c. If the Board of Regents of the University of Wisconsin–System
17 is purchasing food and the purchase is subject to par. (b), factors other than price may
18 not comprise more than 50 percent of the total factors used to determine the lowest
19 responsible bidder.

1 **SECTION 3.** 16.75 (1) (b) 1. of the statutes is amended to read:

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9 time. Whenever bids are invited, due notice inviting bids shall be published as a class
10 2 notice, under ch. 985 or posted on the Internet at a site determined or approved by
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14 accepted by auction, and shall give a clear description of the materials, supplies,
15 equipment, or contractual services to be purchased, the amount of any bond, share
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17 auction, and the date and time that the public opening or the auction will be held.

18 **SECTION 6.** 16.75 (1) (c) of the statutes is amended to read:

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12 department may award the order or contract in accordance with simplified
13 procedures established by the department for such transactions.

14 **SECTION 11. Initial applicability.**

15 (1) This act first applies with respect to bids or proposals solicited on the
16 effective date of this subsection.

17 (END)

Pfotenhauer, Mary

From: LRB.Legal
Sent: Wednesday, January 28, 2015 1:19 PM
To: Pfotenhauer, Mary
Cc: Rep.Barca
Subject: FW: Draft review: LRB -0511/P1 Topic: Food purchases by University of Wisconsin

From: Rep.Barca
Sent: Wednesday, January 28, 2015 1:18 PM
To: LRB.Legal
Subject: RE: Draft review: LRB -0511/P1 Topic: Food purchases by University of Wisconsin

Can I get this as an final draft?

From: LRB.Legal
Sent: Friday, December 05, 2014 3:22 PM
To: Rep.Barca
Subject: Draft review: LRB -0511/P1 Topic: Food purchases by University of Wisconsin

Following is the PDF version of draft LRB -0511/P1.

Barman, Mike

From: Egerer, Matt
Sent: Monday, April 06, 2015 11:39 AM
To: LRB.Legal
Subject: Draft Review: LRB -0511/1 Topic: Food purchases by University of Wisconsin

Please Jacket LRB -0511/1 for the ASSEMBLY.